



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,626	10/30/2000	Daniel J. Sullivan	1001.1413102	7050

7590 05/24/2002

Robert E Atkinson
Crompton Seager & Tufte LLC
331 Second Avenue South Suite 895
Minneapolis, MN 55401-2246

EXAMINER

WINGOOD, PAMELA LYNN

ART UNIT

PAPER NUMBER

3736

DATE MAILED: 05/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/699,626	Applicant(s) D. Sullivan
Examiner Pamela Wingood	Art Unit 3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10.30.00.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 11-30 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 11, 12, 15-20, 23, 24, and 27-30 is/are rejected.

7) Claim(s) 13, 14, 21, 22, 25, and 26 is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5

4) Interview Summary (PTO-413) Paper No(s). _____
5) Notice of Informal Patent Application (PTO-1521)
6) Other: _____

ART UNIT:3736

SN: 09/699,626

DETAILED ACTION

Specification

1. The titles of the abstract and the entire disclosure are objected to because the title of the Invention is not properly descriptive. The invention as claimed is drawn to only an apparatus. A new title is required that is clearly indicative of the invention to which the claims are directed. Furthermore, in the Preliminary Amendment A filed on 10.30.00, the Applicant should update the data to include the Patent Nos. Of 08/673,674 as 6,179,788 and also for 07/452,710 as 5,209,730. Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejection's under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 11-12, 15-20, 23, 24 and 27 - 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gambale et al.

Gambale et al. discloses a guidewire for intravascular use (Col. 1, Ins. 5-9) having an elongate solid shaft (10, having cross-hatching to indicate its solid nature at Figs. 1 and 2) with a proximal end (near element 10) and distal end (near element 22) with a taper towards its distal

ART UNIT:3736

SN: 09/699,626

end (12 Col. 2, Ins. 53-57), a radiopaque tip (18, Col. 3, Ins. 19-20) and a plurality of radiopaque markers defined by the individual coils of coil (24) that have longitudinal spaces therebetween, they are longitudinally spaced with respect to each other and spaced with the nonradiopaque coil (30) (Fig. 1 at area 12).

Allowable Subject Matter

4. Claims 13, 14, 21, 22, 25 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: Prior art of record did not suggest or disclose an intravascular guidewire having markers with a plurality of longitudinal spaces therebetween that are 1.5cm, or such a device with markers that are 1mm wide..

Conclusion

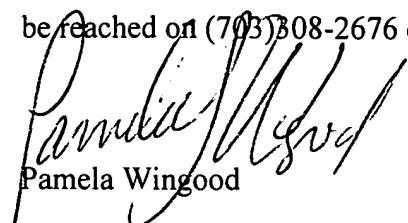
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Gambale (4,763,647) discloses a guidewire having a solid tapered shaft and having distal coils that are more radiopaque than the proximal coils.

ART UNIT:3736

SN: 09/699,626

Any questions regarding this application can be addressed to Pamela Wingood who can
be reached on (703)308-2676 on Monday-Thursday and alternating Fridays from 7:30-5:00PM.



Pamela Wingood

Patent Examiner

May 19, 2002